

Applicant: EBERLE *et al.*
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REMARKS

In response to the Final Action mailed **June 1, 2010** (hereinafter "Final Action"), claims 27, 29, 30, 34, 37, 40, 43-45, 49, 51, 54, 56, 57, 61, 64, 67, 70-72, 76, and 78 have been amended, and claims 28, 33, 55, and 60 have been cancelled without prejudice or disclaimer. No claims have been newly added. Therefore, claims 27, 29-32, 34-38, 40-51, 54, 56-59, 61-65, and 67-78 are now pending. Support for the instant amendments is provided throughout the as-filed Specification. Thus, no new matter has been added. In view of the foregoing amendments and following comments, allowance of all the claims pending in the application is respectfully requested.

INFORMATION DISCLOSURE STATEMENT

Applicants are submitting herewith a Supplemental Information Disclosure Statement and respectfully request that the Examiner consider the cited references and provide a signed copy of the Form PTO-1449 for this submission with the next Office Action.

REJECTION UNDER 35 U.S.C. § 112, ¶2

Claims 27 and 54 stand rejected under 35 U.S.C. § 112, ¶2, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention [Final Action, pg. 2, ¶12].

Applicants disagree with the rejection set forth by the Examiner, as the claims pending prior to the foregoing amendment were clearly definite and would not prevent a person of ordinary skill in the art from interpreting the metes and bounds of the claims. However, *solely* in an effort to expedite prosecution, and in no way acquiescing to the propriety of the alleged rejection, independent claims 27 and 54 have been amended, thereby rendering the alleged rejection moot. Accordingly, withdrawal of the rejection of claims 27 and 54 under 35 U.S.C. § 112, ¶2 is earnestly sought.

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ALLOWABLE SUBJECT MATTER

Applicants thank the Examiner for the indication of allowable subject matter. The Examiner has indicated that claims 50, 51, 77, and 78 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims [Final Action, pg. 8, ¶16].

REJECTIONS UNDER 35 U.S.C. § 103

Claims 27-38, 40-49, 54-65, and 67-76 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,144,938 to Surace *et al.* (hereinafter "Surace") in view of U.S. Patent No. 5,873,032 to Cox *et al.* (hereinafter "Cox") [Final Action, pg. 4, ¶15]. Applicants disagree with the propriety of the rejection. However, *solely* in an effort to expedite prosecution, and in no way acquiescing to the propriety of the alleged rejections, independent claims 27 and 54 have been amended to clarify aspects of the invention.

For example, independent claim 27 recites, *inter alia*, the feature of:

service subscription means for receiving from at least one subscriber, during a subscription registration process, ... criteria for customizing the service output information based on a recipient of the outbound telephone call;

Independent claim 54 includes a similar recitation. Assuming arguendo that it were deemed legally proper to modify Surace to include the alleged teachings of Cox in the manner alleged by the Examiner (which Applicants do not concede), the references, even if combined, fail to disclose, teach, or suggest *at least* the foregoing claim feature. Accordingly, the rejection under 35 U.S.C. § 103(a) is improper and should be withdrawn.

Dependent claims 50-51 and 77-78 are indicated as being allowable by the Examiner, and the remaining dependent claims 29-32, 34-38, 40-49, 56-59, 61-65, and 67-76 are allowable because they each ultimately depend from an allowable independent claim, as well as for the further features they recite.

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CONCLUSION

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.


If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

Date: June 1, 2010

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